

Notice of Allowability

Application No.

09/914,984

Examiner

Mark Ruthkosky

Applicant(s)

STOLLER ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/14/2004.
2. ☒ The allowed claim(s) is/are 24-29, 42 and 43.
3. ☒ The drawings filed on 05 September 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Mark Ruthkosky 6/16/04
Mark Ruthkosky
Primary Patent Examiner
Art Unit: 1745

DETAILED ACTION

Claim Rejections - 35 USC § 102

The rejection of claims 22-25, 27-29 and 42-43 under 35 U.S.C. 102(b) as being anticipated by Watada et al. (JP 10-021,901.) has been overcome by the applicant's amendment.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. The examiner has canceled the nonelected claims, as the response to the restriction requirement was made without traverse. A courtesy call to Mr. Van Eyl was made on 6/16/2004; however, Mr. Van Eyl was not available.

The application has been amended as follows: Cancel nonelected claims 30-41.

Allowable Subject Matter

Claims 24-29 and 42-43 are allowed.

The following is an examiner's statement of reasons for allowance:

The instant claims are to a coated nickel hydroxide having a cobalt hydroxide coating, wherein the nickel hydroxide is stable to oxidation. The coating has 1-200 mmol of one or more anions of weak inorganic oxygen acids per mol of cobalt (II) hydroxide on the surface of the cobalt hydroxide coating and wherein the anions form at most a monomolecular layer. Nickel

hydroxide having a cobalt hydroxide coating is well known as an electrode material in the prior art, however, the prior art does not teach a coated nickel hydroxide stable to oxidation having a cobalt hydroxide coating, wherein the coating has 1-200 mmol of one or more anions of weak inorganic oxygen acids per mol of cobalt (II) hydroxide on the surface of the cobalt hydroxide coating and wherein the anions form at most a monomolecular layer.

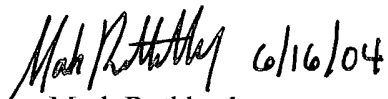
The most pertinent prior art has been applied. Watada et al. (JP 10-021,901) teaches a nickel hydroxide active material having a cobalt (II) hydroxide coating that is stable to oxidation, (see the abstract.) The cobalt (II) hydroxide coating is in the alpha-state, which is stable to oxidation. The cobalt compound may also include an additive doping element, such as aluminum, and weak organic anions, including carbonate anions. The nickel compound may also include additives, such as transition metals, in an amount of 0.2-25 % (wt.), (see pp. 34-46). The material is added as a coating to a substrate and is used as a cathode active material in a secondary battery. The reference does not teach a coated nickel hydroxide stable to oxidation having a cobalt hydroxide coating, wherein the coating has 1-200 mmol of one or more anions of weak inorganic oxygen acids per mol of cobalt (II) hydroxide on the surface of the cobalt hydroxide coating and wherein the anions form at most a monomolecular layer. In the reference the weak inorganic oxygen acids are formed as part of the cobalt (II) hydroxide coating. As the prior art does not teach a coated nickel hydroxide stable to oxidation having a cobalt hydroxide coating, wherein the coating has 1-200 mmol of one or more anions of weak inorganic oxygen acids per mol of cobalt (II) hydroxide on the surface of the cobalt hydroxide coating and wherein the anions form at most a monomolecular layer, the claims are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Examiner Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Ruthkosky whose telephone number is 571-272-1291. The examiner can normally be reached on FLEX schedule (generally, Monday-Thursday from 9:00-6:30.) If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached at 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 6/16/04

Mark Ruthkosky

Primary Patent Examiner

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